

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TERRY RAY HAWES,  
Plaintiff,

No. C 13-1711 JCS (PR)

**ORDER OF DISMISSAL**

v.

MARIN COUNTY SHERIFF  
DEPARTMENT, and  
ROBERT DOYLE,  
Defendants.

Plaintiff has failed to comply with the Court's order to file an amended complaint by the deadline. Accordingly, the action is DISMISSED without prejudice for failing to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b).<sup>1</sup> Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion **must** contain an amended complaint that complies in all respects with the instructions in the order dismissing the complaint with leave to amend. The Clerk shall enter judgment in favor of defendants, and close the file.

**IT IS SO ORDERED.**

DATED: December 19, 2013

  
JOSEPH C. SPERO  
United States Magistrate Judge

<sup>1</sup> Plaintiff has consented to magistrate judge jurisdiction. The magistrate, then, has jurisdiction to issue this order, even though defendants have not been served or consented to magistrate jurisdiction. *See Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir. 1995) (holding that magistrate judge had jurisdiction to dismiss prison inmate's action under 42 U.S.C. § 1983 as frivolous without consent of defendants because defendants had not been served yet and therefore were not parties).